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**APR 22 2002**

In re Application of :  
Troian et al. :  
Application No. 10/016,294 :  
Filed: November 2, 2001 :  
Attorney Docket No. 4555-110 :  
:

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition filed February 4, 2002, to accord the above-identified application a filing date of November 2, 2001, instead of November 5, 2001.

The petition is **granted**.

37 CFR 1.10(d) states:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that: . . .

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

All of the requirements of 37 CFR 1.10(d) have been met. Therefore, the application will be accorded a filing date of November 2, 2001.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of November 2, 2001.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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